

REMARKS/ARGUMENTS**1. RESPONSE TO § 112 REJECTION OF CLAIM 21**

In the Office Action mailed May 31, 2005, the Examiner rejected claim 21 under 35 U.S.C. § 112, for failing to meet the written description requirement. In particular, the Examiner stated “the disclosure lacks written description in the description of how to ‘escalate the message if the message is not responded to after a predetermined period of time.’” (Office Action mailed May 31, 2005).

Applicants respectfully disagree with the Examiner’s assertion. In paragraph [024] on page 9, Applicants’ specification states:

In alternative embodiments, escalation procedures may be incorporated into the workflow system. Thus, responses to requests as a whole may be tracked, and if some predetermined time passes, then the whole request may be forwarded to a supervisor or a special queue. Such tracking of a request as a whole will ensure that delay in the handling of a message subset does not result in unacceptable performance.

(Applicants’ specification, Paragraph [024] on page 9). Accordingly, Applicants submit that the Application as filed contains a written description of Applicants’ invention as claimed. Accordingly, Applicants respectfully request the rejection be withdrawn.

2. RESPONSE TO § 102 REJECTIONS

In the Office Action mailed May 31, 2005, the Examiner rejected claims 1 – 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,883,014 to McErlean (hereinafter, “McErlean”). To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1, as amended, is not anticipated by McErlean, because McErlean does not disclose each and every limitation of claim 1.

Applicants submit that claim 1, as amended, is not anticipated by McErlean.

Claim 1, as amended, states:

A method comprising:
receiving a message in a data communication system;
thematically subdividing the message into a plurality
of sections based on an analysis of content in the message;
generating an automated response to a subdivided
section of the plurality of sections of the message, based on the
analysis of the content; and
facilitating a follow-up response by sending the
subdivided section of the plurality of sections of the message
via the data communication system to an agent based on the
analysis of content.

(Claim 1, as amended). Accordingly, claim 1 refers to generating an automated response, and then facilitating an agent's follow-up response by sending the subdivided section of the message to an agent.

McErlean discloses a system for categorizing a message, based on its content, and then distributing the message to agents, based on categories. However, McErlean discloses a distributor table that indicates three states of processing for a particular message and category – (P)rocessed, (U)nprocessed, or (I)n process. Consequently, when a message has been processed, either by a virtual (automated) agent or a live agent, processing ends and the message status is changed to “P”, for Processed. McErlean does not disclose or suggest following an automated response with a follow-up response. Specifically, McErlean does not disclose or suggest generating an automated response, and then facilitating a follow-up response, as is claimed in claim 1.

As McErlean does not disclose each and every limitation of claim 1, McErlean does not anticipate claim 1. Accordingly, claims 3, 4 and 19 – 22, which are dependent upon claim 1, are also not anticipated by McErlean. Moreover, for the reason stated above, claims 7, 9 and 10 are not anticipated by McErlean.

Claim 13, as amended, is not anticipated by McErlean, because McErlean does not disclose each and every limitation of claim 13.

Claim 13, as amended states

A system comprising:

- a first unit to store a message sent from a message sender;
- a parser to thematically subdivide the message into a plurality of sections based on a message analysis;
- a workflow system to facilitate the automatic extraction of data from a data source, the data associated with, and responsive to, a subdivided section of the plurality of sections of the message; and
- a router to route the subdivided section of the plurality of sections of the message, including data extracted from the data source, to an agent appropriate for the subdivided section.

(Claim 13, as amended). Accordingly, claim 13 refers to automatically extracting data that is relevant to the section of the message from a data source, and then routing the extracted data along with the message to an appropriate agent.

In contrast, McErlean discloses receiving category information at an email client, and generating a response at the email client, based on the category. McErlean does not disclose or suggest extracting data and routing it to an agent with the section of the message. In particular, McErlean does not disclose or suggest a workflow system to facilitate the automatic extraction of data, and a router to route a message, including data extracted from the data source, to an agent, as is claimed in claim 13.

Because McErlean does not disclose each and every element of claim 13, McErlean does not anticipate claim 13. For the reasons stated above, Applicants submit that dependent claims 14 – 18 are not anticipated by McErlean, and are in a condition for allowance.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Authorization is hereby given to charge our Deposit Account No. 50-2638 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,



Nathan Elder
Reg. No. 55,150

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GREENBERG TRAURIG, LLP
CUSTOMER NUMBER 56188
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Phone: (650) 328-8500
Fax: (650) 328-8508
E-Mail: eldern@gtlaw.com